

REMARKS

The Office Action now rejected all pending. Claims 1-2, 5-7, 13, and 15-17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over US 2001/0014952 to Furukawa in view of US 6,567,931 to Jue. Claims 3, 8-9, and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Furukawa and Jue as applied to claim 1, further in view of Kiumura. Claims 4 and 11 were rejected on the same basis in further view of US 6,266,776 to Sakai. Claim 14 was rejected in the same basis as claim 13, in further view of US 7,034,585 to Kiani. Applicant respectfully requests reconsideration for at least the following reasons.

First, Applicant notes that most claims are the same bases of rejection set forth in the previous Office Action. Applicant continues to disagree with these rejections for at least the same reasons presented in Applicant's previous response. Rather than repeat those arguments below, as they are already of record, Applicant reasserts them by incorporation by reference herein.

Claim Amendments

In this Amendment, Applicant has amended independent claims 1 and 13. Claim 6, 8-12 and 15 have been cancelled. In this regard, independent claim 1 is amended to incorporate the subject matter of previous claim 6. Similarly, independent claim 13 is amended to incorporate the subject matter from previous claim 15. Accordingly, these amendments add no new matter to this application.

Discussion of Rejections

First addressing independent claim 1, as amended herein, claim 1 recites:

1. A method for reducing the possibility of cold reset in a computer system that includes a central processing unit (CPU), a wake-up button that is used to awaken the CPU from a sleep mode, and a battery that supplies power to the computer system, the CPU supporting the function of software battery fault handling, and the method comprising:

when the CPU is in the sleep mode and the computer system's power supply is in an uncertain status, the CPU staying in the sleep mode even a wake-up event occurs; and

when the CPU is in the sleep mode and the period during which the wake-up button is pressed is ***less than a predetermined value, the CPU continues to stay in the sleep mode***, wherein the predetermined value is greater than the general value of the period ***during which the wake-up button is pressed due to a collision, an impact, or falling to the ground, and less than the general value of the period during which a user intentionally presses the wake-up button such that the computer system can be prevented damage by the collision, the impact, or falling to the ground.***

(*Emphasis added*). Claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

First, as emphasized above, independent claim 1 recites a method for reducing the possibility of cold reset in a computer system that includes "when the CPU is in the sleep mode and the period during which the wake-up button is pressed is **less than a predetermined value, the CPU continues to stay in the sleep mode**". In the other words, the CPU is awakened **only** when the period during which the wake-up button is pressed is equal or larger than a predetermined value. Further, independent claim 1 recites that "the predetermined value is greater than the general value of the period during which **the wake-up button is pressed due to a collision, an impact, or falling to the ground**, and less than the general value of the period during which a user

intentionally presses the wake-up button” such that when the wake-up button is pressed due to a collision, an impact, or falling to the ground, the CPU **will not** waken up. Therefore the computer system can prevent damage caused by collision, impact, or falling to the ground.

In contrast, and referring to FIG. 2 and paragraph [20], Furukawa discloses:

‘if the SUSPEND/RESUME button 3 is pressed at a time t3 so that the level of the SUSPEND/RESUME control terminal Tc of the chip set 2 changes again from the HIGH level to the LOW level as indicated by a broken line in FIG. 2(A), the chip set 2 causes an interrupt from the RESUME operation to the processing part 4. The processing part 4, based on the interrupt for the RESUME operation, controls the power control part 5 via the chip set 2 to turn on the power, and by returning the data saved at the time of the SUSPEND state, enables a processing operation to be resumed from a state before the SUSPEND state.

In other words, if the SUSPEND/RESUME button is pressed, the period during which the SUSPEND/RESUME button is pressed is **not need** equal or larger than a predetermined value, while the process part 4 is in a SUSPEND state, the process part 4 returns to be the normal operation state. Therefore, the electronic apparatus of Furukawa **cannot** prevent damage caused by collision, impact, or falling to the ground. This conclusion is drawn from a straight reading of paragraph [20] and the FIG. 2 of Furukawa. Therefore, in contrast to the allegation made by the Office Action (in paragraph 31), Applicant’s interpretation of Furukawa’s specification is not a narrowed reading. Instead, it is a direct reading and interpretation. Although the Examiner is entitled to give references, such as Furukawa their broadest reasonable interpretation, the Patent Office is not permitted to expand the interpretation or teachings of the prior art by selectively ignoring express teachings of the specification. For at least this reason, the rejection of claim 1 should be withdrawn.

In addition, in amended independent claim 1, the wake-up button is used for **waking up** the computer from the sleeping state to the normal operation states when the period during which the wake-up button is pressed for a time period that is equal or larger than a predetermined value.

In contrast, paragraph [14] of Furukawa states: 'If the level of the SUSPEND/RESUME control terminal Tc is maintained at the LOW level, that is, the SUSPEND/RESUME button 3 is maintained in a pressed state, for a predetermined period of time, for instance, four seconds, the chip set 2 directly controls the power control part 5 to **shut off** the power irrespective of the states of the processing part 4". In the other words, the SUSPEND/RESUME button is **not** used for waking up the computer when the period during which the wake-up button is pressed is equal or larger than a predetermined of time. For at least this additional reason, the rejection of claim 1 should be withdrawn.

Further still, independent claim 1 recites a method that includes changing the computer system between the sleep mode and the normal operation state. In contrast, paragraphs [12]-[14] of Furukawa disclose changing the electronic apparatus between the SUSPEND state, the normal operation state and the POWER SHUT-OFF state. Moreover, the secondary reference by Jue discloses a power management for computer system to preventing the false remote system wake events following AC power loss. The reset handing routine bypasses the wakeup routine of it is determined that an invalid event occurred in the computer system (Jue' at Col. 1, lines 8-11; and col. 3, lines 44-46).

However, Jue fails to disclose or suggest the features recited in amended independent claim 1, which are admittedly missing from Furukawa. As such, amended independent claim 1 is not disclosed or suggested by Furukawa, either alone or in combination with Jue. For at least these reasons, independent claim 1 (as amended herein) and dependent claims 2-7 dependent therefrom are patentable over the cited references.

Similar to the above-described distinguishing features of claim 1, independent claim 13 (as amended herein) defines the features of: “when the computer system is in the sleep mode and the delay protection circuit has detected that the period during which the wake-up button is pressed is less than a predetermined value, then the CPU continues to stay in the sleep mode.” Therefore, Applicant respectfully submits that independent claim 13 defines over the cited art for reasons similar to claim 1, set out above. Claims 14-17 patently define over the cited art for at least the same reasons, as they depend from claim 13.

As a separate and independent basis for the patentability of all claims, Applicant submits that the combination of Jue and Furukawa does not render the claims obvious. In this regard, the Office Action combined Jue with Furukawa on the solely expressed basis that doing so “provides a way to better security and recovery operations.” (Office Action, p. 3). This rationale is both incomplete and improper in view of the established standards for rejections under 35 U.S.C. § 103.

In this regard, the MPEP section 2141 states:

Office policy has consistently been to follow Graham v. John Deere Co. in the consideration and determination of obviousness under 35

U.S.C. 103. As quoted above, the four factual inquiries enunciated therein as a background for determining obviousness are briefly as follows:

- (A) Determining of the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

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BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Simply stated, the Office Action has failed to at least (1) ascertain the differences between and prior art and the claims in issue; and (2) resolve the level of ordinary skill in the art. Furthermore, the alleged rationale for combining the two references embodies clear and improper hindsight rationale.

Likewise, in rejecting claim 3, the Office Action further combined Kimura on the basis that one would do so because “it provides a way to perform battery replacement without destroying data of volatile memory.” (Office Action, p. 5). Further still, in rejecting claim 4, the Office Action further combined Sakai stating one would do so because “it provides a way to optimize power conservation related to sleep states.” Finally, in rejecting claim 14, the Office Action further combined Kiani, alleging that one would do

so because “it provides a way to avoid additional power consumption during normal operation.”

As can be seen in each of the above-referenced combinations, the rationales relied on by the Examiner are each result-driven. That is, the Examiner has subjectively relied on the ultimate result that is believed to result from the combination, as constituting the motivation to combine. It is well-settled law that every new patent is merely a novel combination of known elements. Therefore, by definition, every claim element should be identifiable in the prior art. Furthermore, every patent claim must have utility/usefulness.

The Examiner has effectively relied on this utility as constituting the motivation for combining the selected references. If such an approach were permissible, the Patent Office could use this approach to reject any claim ever presented for examination. That is why the Federal Circuit precedent clearly prohibits the use of hindsight in rejecting claims.

Significantly, where there is no apparent disadvantage present in a particular prior art reference (which there isn't in the presently cited references – including Furukawa), then generally there can be no motivation to combine the teaching of another reference with the particular prior art reference. Winner Int'l Royalty Corp. v. Wang, No 98-1553 (Fed. Cir. January 27, 2000). The rationales relied on by the Office Action in the present application are merely generic statements, that have nothing to do specifically with the structures disclosed in the other references. As such, these rationales cannot be properly viewed as proper motivations for combining the specific teachings of the individual references. Indeed, the generic motivations advanced by the present Office

Action could be used to support a combination of ANY references, which is clearly contra to the cited Federal Circuit precedent and the clear intent of 35 U.S.C. § 103.

For at least these additional reasons, Applicant submits that the rejections of all claims are improper and should be withdrawn.

Conclusion

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Notice of such allowance and passing of the application to issue, are earnestly requested. Should the Examiner feel that a conference would be helpful in expediting the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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